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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/743,710 | 01/16/2001 | Konstantinos Poulakis | 41145 | 7776 |

7590

03/27/2003

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| EXAMINER |
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RHEE, JANE J

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| ART UNIT | PAPER NUMBER |
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1772

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DATE MAILED: 03/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

175

Office Action Summary

Application No.

09/743,710

Applicant(s)

POULAKIS ET AL.

Examiner

Jane J Rhee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The amendment filed 1/15/03 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: The new matter in the specification is "the subject matter of which is hereby incorporated by reference" and the new matter in the claim 9 and 19 is "a ferromagnetic coating extending through out the entire length and width of the foam inhibiting covering."

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 9 and 19 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The new matter in the claims 9 and 19 is "a ferromagnetic coating extending through out the entire length and width of the foam inhibiting covering."

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 9-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Billarant (5442156) in view of Provost (WO 86/03164).

Billarant discloses a method for producing a foam body part having at least one adhesive closing part with adhering elements (figure 6 number 18 and 15), comprising the steps of arranging an adhesive closing part in a foam mold (figure 6 number 51) for forming a foamed body part, the adhesive closing part having first (figure 6 number 15) and second (figure 6 number 18) opposite surfaces and having adhering elements extending from the first surface (figure 6 number 15); protecting the adhering elements on the adhesive closing part against penetration of foam by arranging a foam-inhibiting covering (figure 6 number 20) on the second surface (figure 6 number 18) of adhesive closing part to be remote from the adhering elements, the foam-inhibiting covering having a predetermined peripheral border width overlapping and extending beyond a surface area of the adhering elements (figure 6 number 20); and bringing the foam-inhibiting covering into detachable contact with parts of the foaming mold by permanent magnets in parts of the foaming mold (figure 6 number 52 and col. 6 line 18) attracting a ferromagnetic coating (figure 6 number 23), the permanent magnets being placed laterally about a periphery of a portion of the foaming mold (figure 6 number 52)

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receiving the adhering elements of the adhesive closing part to cooperate with the peripheral border of the covering overlapping the surface area of the adhering elements (figure 6 numbers 52 and 24). Billarant discloses an adhesive layer connects the covering element to the adhesive closing part (col. 5 lines 37-40). Billarant discloses that the adhering elements are received in a recess in the foaming mold (figure 6 number 18 and 50); and the border of the foam-inhibiting covering overlaps the recess (figure 6 number 53). Billarant discloses that the foam-inhibiting covering has a synthetic layer and a layer containing ferromagnetic substances and forms an adhesive base of the adhesive closing part (col. 5 lines 37-39). Billarant fail to disclose that the ferromagnetic coating extending throughout the entire foam-inhibiting coating. Billarant fail to disclose that the ferromagnetic coating is polyurethane with added iron particles. Billarant fail to disclose that the synthetic resin layer is a polyurethane layer. Provost teaches that polyurethane is a notoriously well-known adhesive in the art (pg 3 lines 20-22).

Therefore, it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to have provided Billarant with polyurethane in the ferromagnetic coating and as the synthetic layer in order to better adhere the covering element to the adhesive closing part as taught by Provost.

It would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to have provided ferromagnetic coating extending throughout the entire foam-inhibiting coating in order to better secure the covering element to the adhesive closing part.

Response to Arguments

4. Applicant's arguments filed 1/15/03 have been fully considered but they are not persuasive.

In response to applicant's argument that Billarant does not disclose the foam inhibiting covering on the second surface of the adhesive closing part, Billarant does disclose that the foam inhibiting covering is on the second surface of the adhesive closing part in figure 6 numbers 20 and 18. The adhesive closing part is considered to be the layer in figure 6 wherein elements number 14 and 18 extend from. The first surface of the adhesive closing part can be the side where elements 14 extend from and the second surface of the adhesive closing part can be the side where elements 18 extend.

In response to applicant's argument that Billarant does not disclose a protective film that is remote from the adhering elements but does disclose that the protective film is adjacent to the adhering elements, Billarant does disclose that the film is remote from the adhering elements in figure 6, number 20 and 18. The protective film is not adjacent to the adhering elements because layer 24 and 23 is inbetween the protective film and the adhering elements therefore the protective film is remote from the adhering elements since the protective film is distance in space due to the two layers inbetween from the adhering element.

In response to applicant's argument that Billarant does not disclose that the magnet is laterally placed about the periphery portion of the mold, Billarant does disclose that the magnet is laterally placed about the periphery portion of the mold in

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figure 6 number 52 and 51. The periphery portion of the mold is the line that forms the boundary of the mold wherein number 50 points to a periphery portion of the mold and adjacent to the periphery portion of the mold lies magnet 52 which is laterally placed from number 50, the side portion of the mold.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jane J Rhee whose telephone number is 703-605-4959. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 703-308-4251. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



Jane Rhee
March 11, 2003



HAROLD PYON
SUPERVISORY PATENT EXAMINER
1/12

3/21/03